

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2003-0211-010-019

vs.

Yvonne Graham, RN, Lic. No. R31125  
Respondent

**MEMORANDUM OF DECISION**

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges dated May 6, 2003 (Dept. Exh. 1) and a Motion for Summary Suspension. The Statement of Charges alleges violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Yvonne Graham, R.N. (hereinafter "respondent"), which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On May 21, 2003, the Board ordered, pursuant to its authority under §§ 4-182(c) and 19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges.

The Board issued a Notice of Hearing dated May 21, 2003, scheduling a hearing for June 4, 2003. Dept. Exh. 1. The hearing was continued until June 18, 2003.

Respondent was provided notice of the hearing and charges against her. Department Exhibits 2 and 3 indicate that the Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Tr. June 18, 2003, pp. 3-4

The hearing took place on June 4 and 18, 2003, at the Hartford Hospital, Newington Campus, Curtis Building Amphitheater, 181 Patricia M. Genova Drive, in Newington, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Tr. June 4, 2003, p. 2; Tr. June 18, 2003, p. 2.

Respondent did not submit an Answer to the Statement of Charges. The Department filed a Motion to Deem the Allegations Admitted, which was granted on June 18, 2003. Dept. Exh. 4; Tr. June 18, 2003, p. 5.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

### ***Findings of Fact***

Based on the testimony given and the exhibits offered into evidence, the Board makes the following findings of fact:

1. Respondent was issued registered nurse license number R31125 on August 9, 1978. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 5A.
2. On November 6, 2002, the Board issued a Memorandum of Decision in Petition Number 2001-0628-010-041 ("the Decision") that placed respondent's registered nurse license on probation for a period of four years. Such disciplinary action was based on respondent's diversion, use and abuse of controlled substances, improper documentation, and failure to comply with an Interim Consent Order. Dept. Exh. 5B3-5B12.
3. During the period of probation set forth in the Decision, respondent was required to, among other things, do the following:
  - a. engage in therapy and counseling for chemical dependency with an approved, licensed or certified therapist;
  - b. cause evaluation reports to be submitted to the Board by her therapist; and/or,
  - c. submit to observed, random, chain of custody urine screens which shall be negative for the presence of alcohol and drugs.
  - d. Dept. Exh. 5B3-5B12.
4. Respondent has not complied with any of the foregoing terms of probation. Dept. Exh. 5B1-5B2.

### ***Conclusions of Law and Discussion***

In consideration of the above Findings of Fact, the following conclusions are rendered:

Yvonne Graham held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

**PARAGRAPH 2** of the Statement of Charges alleges that, on November 6, 2002, the Board issued a Memorandum of Decision that placed respondent's registered nurse license on probation for a period of four years and that such action was based on respondent's diversion, use and abuse of controlled substances, improper documentation, and failure to comply with an Interim Consent Order.

**PARAGRAPHS 3 and 4** of the Statement of Charges allege that respondent failed to comply with the terms of probation set forth in the Decision requiring that she engage in therapy and counseling for chemical dependency, with an approved, licensed or certified therapist; cause evaluation reports to be submitted to the Board by her therapist; and/or, submit to observed, random, chain of custody urine screens which shall be negative for the presence of alcohol and drugs.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies, the Board deems the allegations in the Statement of Charges to be admitted.

The General Statutes of Connecticut § 20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing ... said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. ...

(b) Conduct which fails to conform to the accepted standards of the nursing profession ...

The Board concludes that respondent's conduct as alleged in the Statement of Charges is proven by a preponderance of the evidence presented. The Board finds that the respondent has failed to comply with the terms of her probation as set forth in paragraph 3 of the statement of

charges. The Board further concludes that said conduct violates the terms of probation as set forth in the Memorandum of Decision dated November 6, 2002. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat. § 19a-17*.

***Order***

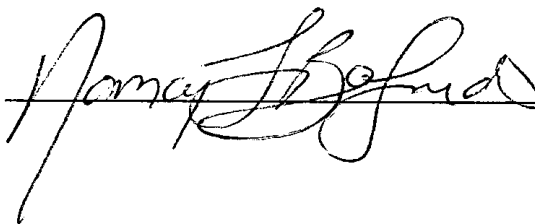
Pursuant to its authority under *Conn. Gen. Stat. §§ 19a-17 and 20-99*, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 2, 3 and 4 of the Statement of Charges, respondent's registered nurse license, number R31125, is revoked effective the date this Memorandum of Decision is signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, Yvonne Graham, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 17th day of December 2003.

BOARD OF EXAMINERS FOR NURSING

By 

## CERTIFICATION

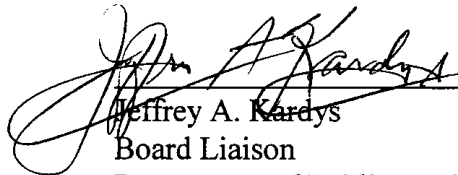
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 22nd day of December 2003, by certified mail, return receipt requested, and first class mail to:

Yvonne Graham  
372 Hutchinson Avenue  
Wingdale, NY 12594

Certified Mail RRR #70023150000038636723  
and First Class Mail

and by Inter-Departmental Mail to:

Stanley K. Peck, Director  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134-0308

  
Jeffrey A. Kardys  
Board Liaison  
Department of Public Health  
Public Health Hearing Office